

TOWN OF MAGNOLIA

ARTICLE III CRIMINAL LAW

301. Public Drunkenness

Whoever in a public area within the Town of Magnolia, while under the influence of intoxicating alcohol or drugs, displays a disorderly conduct of drunkenness shall be fined not less than \$50.00 for the first offense nor more than \$100.00, and for each subsequent offense not less than \$75.00 nor more than \$150.00.

302. Littering

Any person discarding litter, trash or debris at any point within the Town of Magnolia shall be subject to a minimum fine of \$50.00 and a maximum of \$100.00 for the first offense and for each subsequent offense shall be subject to a minimum fine of \$75.00 and a maximum fine of \$250.00 plus legal fees. Such ordinance is enforceable by any authorized uniformed police officer witnessing such action and/or the Mayor or Vice Mayor accordingly.

303. Noise Control

Anyone creating an amount of noise (noise defined as human, mechanical or electronic device) within the Town of Magnolia after 10:00 P. M. which can or may cause a disturbance among the residents of the town, whether such disturbance is caused by arguing/fighting, music, parties, gatherings or any other cause, shall be fined not less than \$50.00 nor more than \$100.00 for the first offense and for each subsequent offense not less than \$75.00 nor more than \$250.00 plus legal fees. The Mayor or Vice Mayor, Town Solicitor or a uniformed police officer shall have the authority to issue a citation for any violation of this ordinance, and if the matter continues following a warning, or being addressed by an authorized law enforcement officer to the point of deliberate defiance, the parties may be arrested upon contacting the Delaware State Police requiring appearance in the Justice of the Peace Court for disposition immediately.

Any amount of noise at any time of the day or night that may be considered unruly or in excess of normality or causing a disturbance among the residents shall be addressed by the Mayor and/or Vice Mayor upon complaint of any resident of the Town of Magnolia or by determination that such disturbance is excessive, and said violator(s) shall be fined following one warning in accordance with the penalties stipulated in the herein ordinance.

304. Public Nuisance

Any person causing a disturbance within the Town of Magnolia or being considered a public nuisance by way of disturbing the peace of the Town, through erratic behavior, violating any ordinance that exceeds the standard of living expected by the residents within the town limits, violating property rights of

public or private property, causing a possible safety or health hazard within the town limits, or any other disturbance deemed a public nuisance, after receiving one warning by either the Mayor or Vice Mayor, or any authorized law enforcement officer shall be issued a citation and fined a minimum of \$50.00 and a maximum of \$100.00 for the first offense, and for each subsequent offense within one year shall be fined a minimum of \$75.00 and a maximum of \$250.00 plus legal fees. Said illegal actions are subject to immediate incarceration should the disturbance not cease after taking such actions and/or ample warnings by the appropriate law enforcement officers.

305. Citizens' Right to Privacy

All residents of the Town of Magnolia are entitled to the right of privacy and any person violating any such resident's right to privacy by continuing to knock on the door, enter upon the premises, telephone the resident, or harass the resident in any manner after being told such intrusion is unwelcome, whether it be a salesperson, bill collector, or any other cause, shall be subject to the public nuisance ordinance herein and the appropriate fines as such.

306. Public Gatherings

Anyone within the Town of Magnolia holding a public gathering shall abide by the noise control ordinances herein stated. Should such gathering be held on public property, a permit and notice to the public shall be exercised. Should such gathering be held on private property, but for public access, a permit must be issued by the Mayor stating the cause, date and time of the gathering, stipulate the parking arrangements and a permit fee of \$25.00 per day of the event be paid in full to the Town of Magnolia before permit can be issued. Should a resident hold a private gathering upon their property, all ordinances must be taken into consideration. Should such gathering become unruly, boisterous, a public nuisance, or otherwise out of control the Mayor or Vice Mayor, or authorized law enforcement officer may address the situation under the public nuisance ordinance.

307. Hazardous Materials and Pollutants

The discharge of hazardous materials or pollutants onto the ground or into the water or wastewater systems is prohibited.

308. Animals and Pets

Farm animals (to include but not be limited to horses, swine and bees) shall not be maintained within the town. Pets shall be under owner control at all times. Noise from said animals (barking, screeching, etc.) shall not exceed 15 minutes at any time. Owners shall be responsible for cleanup and disposal of all animal waste. Violations will result in a fine of \$100.00 for the first and any subsequent violations.

309. Curfew

Juveniles under the age of 18 shall not be unescorted on the streets of the Town of Magnolia from 10 P.M. until sunrise. Exceptions will be made for those in adult-supervised activities or in transit to or from job sites.

Effective July 2012